

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID JAMES WARD,

Defendant.

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ORDER

Crim. No. 96-61 (WHW)

Walls, Senior District Judge

Defendant David James Ward moves pro se to have the Court’s January 19, 2011 opinion and order unpublished. That order denied his motion to amend his sentence. Ward claims that publication of the opinion places his “life in jeopardy” because the opinion details his crime and will be available to other prison inmates. Ward Decl. ¶ 4-5. He asserts that the Court’s opinion “d[i]vulged a great portion” of his presentence investigation report. *Id.* ¶ 5.

Because the details of the defendant’s crime were already publicly available before the Court issued its opinion, there is no basis for the defendant’s assertion that the description in the Court’s opinion endangers him. The details were made public both at hearings for the defendant’s guilty plea and sentencing and in the Third Circuit’s opinion that addressed the defendant’s appeal, which is published in the *Federal Reporter*. *United States v. Ward*, 131 F.3d 335 (3d Cir. 1997). The Third Circuit’s opinion has also been posted on the internet, where it is publicly available. *See, e.g.*, <http://vlex.com/vid/united-states-america-david-james-ward-36140181>; <http://ftp.resource.org/courts.gov/c/F3/131/131.F3d.335.96-5789.97-5082.html>;

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<http://www.aegis.com/law/FedApp/3D/1997/1997C03273.html>. Both the Third Circuit's opinion and the hearing transcripts contain more graphic and explicit descriptions of the defendant's crime than this Court's most recent opinion. The defendant does not explain why the Court's description puts him any additional danger considering that this information has long been available to the general public. There is no basis for the Court to seal its opinion in this matter. Any concerns the defendant has for his safety should be directed to the appropriate prison officials.

It is, on this 28th day of March, 2011:

ORDERED that defendant's motion to amend the judgment (ECF No. 44) is DENIED.

/s/ William H. Walls
United States Senior District Judge